



# U.S. DEPARTMENT of STATE

## Bangladesh

### Country Reports on Human Rights Practices - [2004](#)

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Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), became Prime Minister following parliamentary elections in 2001, deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The higher levels of the judiciary displayed some degree of independence and often ruled against the Government; however, the judiciary was subject to influence from the executive and the legislature. Lower judicial officers were reluctant to challenge government decisions and suffered from corruption.

The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security. The army is responsible for external security but also occasionally has been given domestic security responsibilities. The Government created a new police unit, the Rapid Action Battalion (RAB), composed of personnel from different law enforcement and security agencies, including the military, to deal with violent criminals. The civilian authorities maintained effective control of the security forces. The RAB and security forces committed human rights abuses and were rarely disciplined, even for egregious actions. Police were often reluctant to pursue investigations against persons affiliated with the ruling party, and the Government frequently used the police for political purposes. Members of the security forces committed numerous serious human rights abuses.

The country had a primarily agricultural and market-based economy; however, the Government owned most utility companies, some transport companies, and many large manufacturing and distribution firms. The population for the year was estimated at 140 million. The economic growth rate was 5.5 percent. Wages and benefits kept pace with the relatively low rate of inflation. General strikes, often politically motivated, took a heavy toll on the economy, as did monsoon flooding that caused damage to crops and infrastructure.

The Government's poor human rights record worsened, and the Government continued to commit numerous abuses. Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the military deputed to the RAB used unwarranted lethal force. Police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators, and police and RAB personnel routinely employed physical and psychological torture during arrests and interrogations. Prison conditions were extremely poor and were a contributing factor in some deaths in custody. Police corruption remained a problem. Nearly all abuses went unpunished, and the climate of impunity, reinforced by 2003 legislation shielding security forces from legal challenge of their actions, remained a serious obstacle to ending abuse and killings. Violence, often resulting in deaths, was a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. Press reports of vigilante killings were common. A large judicial case backlog existed, and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion, limited freedom of movement. Violence and discrimination against women remained serious problems, as did trafficking in women and children for the purpose of prostitution and at times for forced labor. Abuse of children and child prostitution were problems. Religious freedom was restricted, and societal discrimination against religious minorities, persons with disabilities, and indigenous persons, was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), and child labor and abuse of child workers remained widespread.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous politically motivated and extrajudicial killings. The police, the BDR, and the RAB used unwarranted lethal force.

During the year, there were an increased number of killings by security personnel (see Section 1.c.). Nearly all abuses went uninvestigated and unpunished. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative. According to press reports, the RAB killed 79 persons during the year in an ongoing anticrime operation. There were also reports of crossfire deaths at the hands of police. The deaths, all under unusual circumstances, occurred while the accused were in custody and during police operations; however, the Government described the deaths of some identified criminals as occurring in crossfire between the RAB and crime gangs.

On July 15, a RAB team arrested opposition Awami League (AL) activist Sumon Ahmed Majumder, a witness to the May 7 killing of AL legislator Ahsanullah Master. Sumon later died at the hospital after his arrest, and independent human rights investigators determined that Sumon died from torture while in the custody of the RAB. At year's end, no one was charged for Sumon's death, while the Government charged Sumon for extortion.

On August 5, RAB members killed a criminal, Pichchi Hannan, in a crossfire incident. Hannan was arrested on June 26 and was killed in a predawn shootout between RAB members and Hannan affiliates while Hannan was reportedly trying to escape. The Government made no inquiry into Hannan's death.

During the year, the court dismissed the case against police accused in the July 2003 killing of Mobarak Hossain.

Violence, often resulting in deaths, was a pervasive element in the country's politics and increased during the year (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, 526 persons were killed and 6,235 injured in politically motivated violence during the year (see Sections 1.c., 1.d., and 2.a.).

On May 7, gunmen killed AL legislator Ahsanullah Master at a party meeting in Tongi. On July 10, police filed charges against 30 persons, including a youth front leader of ruling BNP, accusing them of the killing. The case remained open at year's end.

On May 21, an explosion at a Muslim shrine in Sylhet killed several persons and injured dozens of others, including the British High Commissioner to Bangladesh, Anwar Chowdhury. The Government did not conduct a serious investigation, and no charges were filed.

On August 21, a series of explosions at a rally in Dhaka, where AL president Sheikh Hasina was speaking, killed at least 20 persons, including the AL women's affairs secretary Ivy Rahman, and injured several hundred others. On August 22, the Government formed a judicial commission to investigate the incident, and on October 2, the commission submitted its report to the Government. Although the Government did not release the report, newspapers stated that the one-member inquiry commission hinted at the involvement of a foreign intelligence agency in masterminding the attack and executing it with internal assistance.

There were no developments in the case of the 1975 killing of Sheikh Mujibur Rahman. On October 20, the Dhaka Metropolitan Court acquitted five BNP members, sentenced three army officers and nine others to life in prison, and sentenced three others to death for the 1975 jail killing case of four AL politicians.

Vigilante killings and killings by mobs were common. On February 9, mobs beat and killed four alleged members of a banned leftist group in Khulna and Bagerhat. On April 1, a vigilante, identifying himself as "Bangla Bhai" or Brother of Bengal, launched an anticrime campaign in the northern district of Rajshahi and adjoining areas, initially with support from police. Several alleged criminals belonging to an outlawed leftist group were killed in the vigilante campaign, which continued for approximately 2 months until the Government ordered Bangla Bhai's arrest in response to criticism by the press and opposition parties. At year's end, Bangla Bhai remained free and in hiding. On September 26, a mob burned to death three alleged robbers on Free School Street in Dhaka.

During the year, no government action was taken in the case involving the November 2003 police response to a protest at Narayanganj (see Section 6.b.).

Violence along the border with India remained a problem. Domestic human rights nongovernmental organizations (NGOs) reported that Indian border forces killed as many as 76 citizens during the year. According to press accounts and human rights groups, border violence claimed several hundred citizens' lives during the past 6 years.

#### b. Disappearance

Disappearances and kidnappings were problems during the year. According to press accounts monitored by the Bangladesh Society for the Enforcement of Human Rights (BSEHR), a total of 344 kidnappings took place during the year. According to Odhikar, another human rights organization, 28 persons were kidnapped for political reasons during the year. Kidnapping for profit remained a serious problem. For example, on February 23, Hasan Mahbub Bablu, manager of a resort hotel in Bandarban Hill District, was freed after his family reportedly paid a ransom of more than \$25,400 (taka 1.5 million) for his release after 3 weeks of captivity. In general, released victims were unwilling to admit to ransom payment for fear of further attack, and it was

difficult to verify such reports. There were no major developments in the July 2003 kidnapping of BNP leader and prominent businessman Jamaluddin Chowdhury from Chittagong.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police and the RAB routinely employed physical and psychological torture as well as cruel, inhuman, and degrading treatment during arrests and interrogations. Torture consisted of threats and beatings, and the use of electric shock. According to the Bangladesh Rehabilitation Center for Trauma Victims, there were 1,959 victims of torture and 42 deaths due to torture by security forces during the year (see Sections 1.a., 1.d., 2.a.). Another human rights organization, Ain-O-Shalish Kendro (ASK), reported 26 deaths due to torture during the year. The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such police abuses to continue.

On May 14, in Chittagong, a team of Anwara police picked up retired schoolteacher Abu Ahmed Master, took him to the police station, and kicked and beat him. Upon his son's arrival at the station, the officer-in-charge demanded \$847 (taka 50,000) and threatened to kill his father. Police released Master early in the morning on May 15, upon payment of the bribe. The District Anti-Corruption office investigated the incident and submitted a report, and at year's end, the case remained open. On August 10, police sergeant Altaf Hossain Mollah hung Aminul Kabir Sumon upside down from the ceiling of Wari police outpost, spinning him until he lost consciousness. Sumon, a reporter for the Bangladesh Crime News Agency, was in Dhaka seeking Altaf's comment on allegations of his complicity in trafficking and prostitution. The Government suspended Altaf but took no further action.

According to BSEHR, there were 11 incidents of rape by law enforcement personnel or other officials during the year. On December 18, in Chuadanga, police took Dolly Khatun to a police camp for questioning, where 14 police officers subsequently raped her. Responding to public outcry, the Government withdrew all 14 policemen from duty and arrested 5 of them. On December 21, Khatun filed criminal charges against the policemen. The case remained open at year's end. In most cases, law enforcement personnel accused of rape and torture were not investigated; however, in some instances the Government took action. In September, three policemen convicted of raping and killing a teenage girl in Dinajpur in 1995 were hanged inside Rangpur prison. In some cases, women were often detained in "safe custody" after reporting a rape (in reality, confined in jail cells), where they endured poor conditions and were sometimes abused and raped again (see Section 5).

Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa (see Section 2.c.), and included punishments such as whipping. The press monitoring unit of ASK recorded 35 incidents of fatwa during the year. In these cases, seven persons were lashed and others faced punishments ranging from physical assault to shunning of families by their communities.

Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face (see Section 5).

Prison conditions were extremely poor and were a contributing factor to some custodial deaths. During the year, 103 persons died in prison while 240 others died in the custody of police and other security forces, either in an encounter or in security forces' or police custody (see Section 1.a.). All prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of 76,148 was nearly 300 percent of the official prison capacity of 25,823. Of the entire prison population, 52,137 were awaiting trial, 23,536 had been convicted, and 36 were detained without any charges, according to figures received by a human rights organization. In most cases, cells were so crowded that prisoners slept in shifts.

Juveniles were required by law to be detained separately from adults; however, in practice, due to a lack of facilities, many were incarcerated with adult prisoners. In April 2003, the High Court directed the Government to house accused juveniles apart from other prisoners and to transfer them to correctional homes expeditiously. The Court also directed the Government to include child rights' organization representatives on the list of nonofficial jail visitors. Pretrial detainees were not held separately from convicted prisoners.

Women were detained separately from men but faced the same extremely poor conditions.

Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed. In 2002, the Government began transferring women in safe custody to homes for vagrants or NGO-run shelters, where available.

In general, the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally also visited prisons but rarely disclosed their findings.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in nonpreventive detention cases. The Constitution specifically allows preventive detention, with specified safeguards, and

provides for the detention of individuals on suspicion of criminal activity without an order from a magistrate or a warrant. The Government arrested and detained persons arbitrarily and used national security legislation such as the Special Powers Act (SPA) of 1974 to detain citizens without filing formal charges or specific complaints.

Police were organized nationally. Other security forces were charged with policing border areas and were asked to perform anticrime drives. Police were seen as ineffective, often reluctant to investigate persons affiliated with the ruling party, and were thought to be used frequently for political purposes by the Government. There was widespread corruption and a severe lack of resources, training, and discipline. In February 2003, the Parliament adopted legislation to shield security forces from legal consequences for their acts during the countrywide anticrime drive known as Operation Clean Heart, which resulted in an estimated 50 deaths and an unknown number of torture victims. The Joint Drive Indemnity Act barred persons from seeking justice through the courts for the deaths and human rights violations that occurred during the drive, which began in 2002 and ended in January 2003. In April 2003, the High Court issued a notice to the Government regarding the legality of the Indemnity Act, but there were no developments at year's end. The Government established the RAB, a better-equipped, new police unit drawing personnel from other police units and other security agencies, including the military, and developed some plans for overall police reform, but few concrete steps were taken to address human rights problems and the RAB committed serious human rights violations. Victims of police abuse were generally reluctant to file cases against police, as there was no independent body charged with investigation of criminal allegations against members of the police force.

The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for the detention of persons on the suspicion of criminal activity without an order from a magistrate or a warrant, and the Government regularly arrested persons without formal charges or specific complaints. Both ordinances were misused during the year. Mass arrests, often politically motivated, continued to occur. According to Odhikar, in the Dhaka Metropolitan Area, a total of 4,126 persons were arrested from January through August of the year under Section 54 and another 58,722 under Sections 86 and 100 of the DMP Ordinance.

Authorities used Sections 54 and 86 to detain persons on false charges as punishment for the expression of views critical of or different from the Government. On September 24, in Dhaka, police arrested large numbers of opposition party members prior to the opposition's planned public rallies on October 3. The High Court, following the filing of a petition from human rights NGOs, barred police from arresting any citizen under Section 86 until October 3; however, police continued to arrest persons under section 54. The Constitution provides for the right to a prompt judicial determination; however, this was rarely enforced in practice. For example, on August 5, the Bangladesh National Women Lawyers' Association (BNWLA) filed a petition seeking release of Shama Nishat, a 14-year-old girl, who remained in prison without charge. The court granted the petition and ordered transfer of the girl to BNWLA custody. In December 2003, a 14-year-old boy was released from prison after 2½ years in custody. The child was arrested in a blanket sweep against criminals and was never charged with any offense. Under the SPA, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were sometimes held for longer periods. In SPA cases, the magistrate must, by the 15th day, inform the detainee of the grounds of his detention, and an advisory board is supposed to examine the cases of SPA detainees after 4 months. Detainees had the right to appeal.

There was a functioning bail system in the regular courts; however, under certain security and crime law, a non-bailable period of detention existed. On August 3, a High Court panel ordered the Government to free on bail over 7,400 detainees who had been in prison without undergoing trial for more than 360 days.

Criminal detainees were granted access to attorneys; however, detainees were not entitled to be represented by a lawyer before an advisory board. State-funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. Lawyers usually were allowed only after charges were filed. In April 2003, the High Court issued a directive that allowed legal representatives to visit those arrested under Section 54.

Arbitrary arrests were rampant during the year. The Government sometimes used serial detentions to prevent the release of political activists. On May 22, police arrested Kazi Faruque Ahmed, the president of the NGO Proshika, ostensibly for cheating and corruption (see Section 4).

During the year, the Government submitted to the court a list that included 16 persons who had been in prison without trial for more than 11 years, 10 over 10 years, 29 more than 9 years, 51 more than 8 years, 111 for more than 7 years, 238 for more than 6 years, 502 more than 5 years, 917 more than 4 years, 1,592 more than 3 years and 3,673 more than 2 years.

The Government frequently used Sections 54 and 86 to harass and intimidate members of the political opposition and their families. Police sometimes detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. On April 18, police conducted a mass arrest drive to undermine the AL's efforts to unseat the Government. Police arrested over 10,000 persons in reaction to the AL's campaign to unseat the Government. According to media reports, courts handed down some short prison sentences without giving the detainees the opportunity to defend themselves, but most were eventually released.

Odhikar's press monitoring report found that a total of 526 persons were killed, approximately 6,235 persons were injured, and 2,918 were arrested for political reasons during the year (see Sections 1.a., 1.c, and 2.a.). The Odhikar figure for arrests for political reasons did not include the mass arrests from April.

It was difficult to estimate the total number of detentions for political reasons. Many activists were charged with crimes, and many criminals claimed to be political activists. Most such detentions appeared to last for several days or weeks, and defendants in most cases received bail; however, dismissal of wrongful charges or acquittal took years.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, a longstanding temporary provision of the Constitution places the lower courts under the executive, and the courts were subject to the executive's influence. The higher levels of the judiciary displayed some degree of independence and often ruled against the Government in criminal, civil, and politically controversial cases. Corruption, judicial inefficiency, and a large backlog were serious problems. The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch of the Government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections: the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

On August 17, the Supreme Court criticized the Government for its failure to establish a timeframe in which to implement a 1997 High Court order to separate the judiciary from the executive. At year's end, the Government did not implement the order in full.

The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. Trials were public, and defendants had the right to an attorney; however, state-funded attorneys were rarely provided. Under the provisions of the Public Safety Act, Law and Order Disruption Crimes Speedy Trial Act (STA), and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear regarding the disposition of the case if it was not finished within the allotted time periods. Defendants were presumed innocent and had the right to appeal.

In July, Parliament codified the use of Alternative Dispute Resolution (ADR) and extended its use to Sylhet and Chittagong. ADR allows citizens to have the opportunity to present their cases before filing for mediation. According to government sources, wider use of mediation in civil cases has quickened the administration of justice.

The court system was plagued by corruption and a substantial backlog of cases, and trials were typically marked by extended continuances while the accused remained in prison. These conditions effectively prevented many persons from obtaining a fair trial. A September 14 Transparency International survey revealed that magistrates, attorneys, and court officials demanded bribes from defendants in more than 67 percent of the cases filed under the STA (see Section 1.d.). On April 20, the President dismissed Syed Shahidur Rahman, a judge of the High Court, on the charge of misconduct for accepting money to fix bail for an accused in a criminal case (see Section 1.d.).

The Government stated that it held no political prisoners; however, opposition parties and human rights monitors claimed that many political activists were arrested and convicted for unfounded criminal charges (see Section 1.d.). NGOs did not have access to prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions except in cases of the SPA, which permitted them. Police, even in cases not affiliated with the SPA, rarely obtained warrants, and officers violating these procedures were not punished. Reporters Without Borders (RSF) claimed that police monitored journalists' e-mail. The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the Government.

The Government, on occasion, forcibly resettled persons. In 2002, a High Court bench stayed, for 3 months, a Ministry of Housing and Public Works order to dismantle slums in the Amtali section of Dhaka and ordered the Government to explain why it should not be directed to resettle the slum residents.

Police sometimes threatened members of the families of individuals who were wanted by police. During the year, there were instances of physical abuse or detention of family members by law enforcement personnel to extract information regarding wanted relatives.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, subject to what it deemed reasonable restrictions in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, in practice, the Government limited these rights.

Individuals were not always able to criticize the Government publicly without fear of reprisal, and the Government often attempted to impede criticism by prohibiting or dispersing political gatherings.

There were hundreds of both daily and weekly publications. Most newspapers reported critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned news service, there was one private news service affiliated with a major international company.

Despite this proliferation of news articles, in 2003 RSF reported that armed rebel movements, militias, or political parties constantly endangered the lives of journalists and that the Government did little to protect them, and instead, provided immunity to those responsible for violence.

Newspaper ownership and content were not subject to direct government restriction; however, the Government was able to influence journalists because it sponsored advertising and allocated cheap newsprint, central to the viability of many newspapers. Unlike in previous years, commercial firms were not as reluctant to advertise in newspapers critical of the Government. The Government owned and controlled most radio and television stations, and most of these stations focused the bulk of their coverage on the Government. Opposition party news often received little coverage in the government-owned media.

The Ministry of Information authorized one private radio station and three private television stations. Cable operators generally functioned without government interference; however, all private stations were required to broadcast, without charge, some government news programs and speeches by the Prime Minister and the President as a condition of operation.

During the year, the Committee to Protect Journalists and RSF severely criticized the treatment and the security situation of journalists in the country. Attacks on journalists and newspapers, and efforts to intimidate them by the Government, political party activists, and others, occurred frequently during the year. Attacks against journalists by political activists were common during times of political violence, and some journalists were injured in police actions. According to Odhikar, 111 journalists were injured, 5 killed, 9 arrested, 2 kidnapped, 32 assaulted, and 293 threatened during the year. Additionally, 6 newspaper offices came under attack during the year. Also, editors and senior journalists allegedly received anonymous phone calls regarding published articles unfavorable to the Government; however, threats of explicit violence were rare in such calls.

On January 15, assailants killed Manik Chandra Saha, president of the Khulna Press Club and reporter for the New Age and the Sangbad newspapers, by targeting him with explosives. In March, police filed charges against alleged members of a left-wing group for Saha's death. On June 27, an explosion killed the editor of the Daily Janmabumi; police placed responsibility on alleged leftists. Both cases were pending at year's end (see Section 1.a.).

On October 3, Dipankar Chakrabarty, the executive editor of the Daily Durjoy Bangla and vice president of a faction of the Bangladesh Federal Union of Journalists, died after being attacked on his way home from work. Three persons were arrested but freed on bail, and the case was pending at year's end.

The Government applied indirect pressure to coerce journalists into self-censorship. For example, on July 1, an official of the Prime Minister's press wing called a private television reporter and threatened to limit his access to ruling party functions if he did not stop covering an opposition candidate's campaign. The reporter was withdrawn from voting day coverage by his supervisors for failing to comply.

Foreign publications and films were subject to review and censorship. A government Film Censor Board reviewed local and foreign films and has the authority to censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The Government used censorship most often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and for objectionable comments regarding national leaders. On April 15, the Government confiscated the April 2 issue of the Indian magazine, *Desh*, for using indecent words about Adam and Eve. In April, the Government condemned and forbade *Time* magazine from being placed in government establishments, including on the national airline, Biman, because of its negative portrayal of the country.

Novelist Taslima Nasreen remained abroad after being freed on bond for criminal charges still pending against her for insulting Muslim beliefs (see Section 2.c.). In 2002, a court sentenced Nasreen in absentia to 1 year in jail for her "derogatory remarks about Islam" in a case filed in 1999 by a Jamaat-e-Islami leader.

The Government did not directly restrict citizens' access to the Internet. RSF claimed police continued surveillance of journalist's e-mail (see Section 1.f.).

The Government did not limit academic freedom; however, research on sensitive religious and political topics was not encouraged.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limited this right. The law allows the Government to ban assemblies of more than 4 persons, and, according to 1 human rights organization, the Government imposed 57 such bans during the year. The Government sometimes used bans to prohibit rallies for security reasons. On January 3, Piren Snal, a member of the Garo tribe in Madhupur forest in Tangail district, was killed as police and forest guards opened fire on a procession of tribal people protesting an eco-park project in the forestland. The Magistrate Court conducted a judicial investigation into the incident in response to a petition filed by Snal's family and dismissed the case on November 17 on the basis of insufficient information. Snal's family filed another petition contesting the legitimacy of the investigation's report, and the case was pending at year's end.

On March 11, pro-BNP activists, in tandem with police, attacked former president Badruddoza Chowdhury and his supporters, injuring more than 300 persons near Mohakhali in Dhaka as they were marching toward a downtown venue where Chowdhury was scheduled to launch a new political party. Police rarely interfered with ruling party processions on any occasion, but police often used force to disrupt and discourage opposition processions. On February 12, police clubbed participants at an AL procession in Dhaka, causing injuries to dozens of activists, including Member of Parliament (M.P.) Ahsanullah Master, and Saber Hossain Chowdhury, political secretary to the AL president.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and the Government generally respected this right. Individuals were free to join private groups.

#### c. Freedom of Religion

The Constitution establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one's choice, and the Government generally respected this right in practice. Although the Government is secular, religion exerted a powerful influence on politics. Discrimination against members of religious minorities existed at both the governmental and societal level; however, there was no clear evidence of government persecution, although religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and access to justice.

Religious organizations were not required to register with the Government; however, all NGOs, including religious organizations, were required to register with the NGO Affairs Bureau if they received foreign funds for social development projects. The Government had the ability to cancel the registration of an NGO or to take other actions such as dissolving the executive committee of the NGO, freezing its bank accounts, or canceling projects; however, such powers rarely were used and did not affect NGOs with religious affiliations.

Discrimination against Ahmadiyas continued during the year. In January, the Government announced a ban on Ahmadiya publications in response to some Muslim groups' demand for the Ahmadiyas to be declared non-Muslims. In December, the High Court ordered a stay, effectively stopping the official enactment of the executive order. On two occasions, police seized books from Ahmadiya mosques in Dhaka and Patuakhali, and in January, in Khulna, a young man was briefly detained for carrying Ahmadiya leaflets. At times police allowed, and even assisted, demonstrators to remove signs referring to Ahmadiya mosques as mosques instead of as houses of worship.

As in previous years, the Government failed to prepare a list of property that was expropriated by the State from Hindus during partition in 1947.

The Government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad. The law permitted citizens to proselytize; however, strong social resistance to conversion from Islam meant that most missionary efforts by Christian groups were aimed at serving communities that had been Christian for several generations. Foreign missionaries were allowed to work in the country, but their right to proselytize was not explicitly protected by the Constitution. Some missionaries faced problems in obtaining visas or renewing visas, which must be renewed annually. Some foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other government harassment during the year.

Discrimination against Ahmadiyas, Hindus, and Christians occurred during the year. In April, police failed to prevent Muslim demonstrators from destroying 12 houses belonging to Ahmadiyas and harassing 15 converted Ahmadiya men and women in a village in Rangpur. The converts were held against their will for several hours and pressured to renounce their new faith by some local Muslims. The Ahmadiyas appealed to the Government for protection in the face of threats from Khatme Nabuyat Movement and Aamra Dhakabashi, and on August 27, police arrested four leaders of Aamra Dhakabashi prior to their planned siege of the central Ahmadiya complex in Dhaka.

On January 1, according to press reports, armed attackers led by a local BNP leader allegedly set 20 houses belonging to Hindus on fire, injuring 30 persons. Victims alleged that the attack originated over a pending property dispute. On September 22, a group of Muslims set afire seven houses belonging to Hindus at Adam Sarkerpara village in Rangpur district. The alleged arsonists subsequently attacked those attempting to extinguish the fire and reportedly stole 18 cattle.

On September 18, unidentified assailants killed Dr. Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrasah teacher, Maulana Abdus Sobhan Munshi, alias Michha Munshi, for the killing, held him for 2 weeks, and released him. At year's end, no one else was charged for this crime.



In September, police arrested 18 persons, 2 of whom confessed, for the November 2003 arson in which 11 members of a Hindu family were killed in Chittagong. The Government made no arrests, and none were expected in the December 2003 killing of an Ahmadiya leader in Jessore. On September 14, Ahmadiya leaders submitted a no-confidence petition to the court rejecting the police investigation report of the murder. The case was transferred from the local police to the Criminal Investigations Department of the police for investigation at year's end.

Religious minorities were disadvantaged in access to government jobs and political office. Selection boards in the government services often lacked minority group representation.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected these rights in practice; however, there were instances in which the Government restricted these rights.

On February 23, alleged members of a pro-Government group in Chittagong Hill Tracts (CHT) attacked a motorcade of eminent jurist and president of Gono Forum, Dr. Kamal Hossain, on his way to Rangamati to attend a rally organized by a tribal organization. Dr. Hossain and his entourage returned to Chittagong city due to lack of security. On February 26, AL president Sheikh Hasina's motorcade came under attack near Charkawa ferry station in Barisal.

On February 6, Immigration officials at Zia International Airport in Dhaka barred Jatiya Party chairman and former president Hossain Muhammad Ershad from traveling to the Maldives. Ershad claimed that immigration officials acted upon the instruction of higher authorities. Talks between the Government and the Jatiya party leaders resolved the problem, and Ershad was allowed to go abroad. In May, the Government refused permission for Shantu Larma, chairman of the CHT Regional Council, to leave the country to attend the third session of the U.N. Permanent Forum on Indigenous issues.

The country's passports were invalid for travel to Israel, and Salah Uddin Shoaib Chaudhury remained in prison for his attempted November 2003 travel to Israel.

The Constitution does not provide for exile, and it was not used.

There was a pattern of continued neglect of refugees, specifically towards the Bihari and Rohingya refugees. Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition of British India and who supported Pakistan during the 1971 War of Independence continued to live in camps throughout the country. According to Refugees International, they lived in camps in the country with little access to education, medical attention, and in unsanitary conditions. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the Government was reluctant to accept them. In May 2003, 10 Bangladesh-born Bihari residents of the Geneva Camp were granted voting rights when the High Court declared them citizens. Many of the stranded Biharis born after 1971 have assimilated into the mainstream Bengali-speaking environment and likely would accept citizenship if it was offered.

During the year, 20,291 Rohingya refugees remained in 2 camps administered by the Government in cooperation with the U.N. High Commissioner for Refugees (UNHCR). The Government continued to ignore UNHCR requests to allow Rohingya refugees unable to return to Burma to work, benefit from local medical programs, or participate in the education system, insisting that all Rohingya refugees remain in camps until their return to Burma. The Government repatriated 210 refugees during the year.

The Government denied asylum to the Rohingya by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to the UNHCR, some refugees returned by the Government were fleeing persecution and were entitled to refugee status. Some unregistered persons in the UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations based on the number of registered members of the camps. On a number of occasions, camp officials handed some of the unregistered persons over to police, who sent them to prison under the Foreigners' Act. There were 109 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. UNHCR officials visited the detained refugees once a month.

In June, to protest the Government's forced repatriation, mistreatment by police, auxiliary Ansar personnel, and Majhis (refugee community leaders selected by BDG camp officials to work as volunteers), some refugees in Kutupaalong camp staged demonstrations, refused their rations, and boycotted the government-run medical clinic. The demonstrators also demanded relocation of the camp to a site closer to Cox's Bazar city to get better protection from UNHCR. The demonstrators attacked an official of the World Food Program, prevented children from attending school, and stopped women from attending a self-help program. According to UNHCR, on June 6, police fired approximately 15 rounds into a group of several hundred protestors throwing stones during a regular night patrol. No injury was reported. In early September, the Government officially rejected a UNHCR proposal to grant the refugees rights for temporary stay and freedom of movement under a self-reliance program.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.S. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing



protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. Working with the UNHCR, the Government provided temporary protection to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; some candidates allegedly purchased nomination from party leaders with generous campaign contributions or personal gifts.

Khaleda Zia, leader of the BNP, became Prime Minister following parliamentary elections in 2001, deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party alliance government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote. The political scene was dominated by two major parties, the BNP and the AL.

In June, the AL returned to Parliament after a year's boycott; however, the AL walked out of Parliament again in September, alleging the Speaker's biased role in favor of the ruling party. They later returned to Parliament in November.

Corruption remained a problem. Transparency International Bangladesh (TIB) indicated, in a report published in September, that systemic corruption posed a serious challenge to efforts to promote good governance. A TIB sample survey revealed that 90 percent of the population paid bribes to officials during land transfer registration; magistrates, court officials, and lawyers solicited bribes in more than 67 percent of the cases filed under the STA; and in Chittagong port, officials belonging to the port authority and customs extracted an estimated annual \$133 million (taka 7.83 billion) in bribes from importers and exporters. The Official Secrets Act of 1923 protected corrupt government officials from public scrutiny, hindering transparency and accountability at all levels.

In November, the Government announced the formation of a 3-member Anti-Corruption Commission. At year's end, the commission was not fully functional.

There was no law providing for public access to government information. Instead, the Official Secrets Act protected government officials from scrutiny, typically in the name of national security.

There were 7 women in the 300-seat Parliament. On May 17, Parliament passed the 14th constitutional amendment bill, adding 45 parliamentary seats reserved for women. The seats were to be distributed among political parties proportionate to their numerical strength. The AL, which did not participate in the debate on adding the 45 seats, protested the amendment outside of Parliament, saying that it fell short of the promise to make a provision for women to be elected directly by the people. In October, Parliament passed a law detailing new election procedures; however, election of women to the seats did not occur by year's end. Some women's rights groups also protested the amendment on similar grounds and challenged its validity in the High Court.

There were four women holding ministerial positions, including the position of Prime Minister. As of October, 4 of the 79 judges in the Supreme Court were women.

There was no provision for providing seats for minorities. Members of minority groups constituted approximately 17 percent of the population but held less than 3 percent of the Parliamentary seats.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the Government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. The Government pressured some individual human rights advocates by filing false allegations against them or by delaying reentry visas for international human rights activists. Missionaries who advocated on behalf of human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies. For example, the Government blocked foreign funding to the PRIP Trust because the organization's executive director, Aroma Dutta, championed minority rights during the 2001 general election.

During the year, the Government drafted legislation to impose stricter control on NGOs and prevent them from engaging in political activities. The Government, however, withdrew a draft bill from Parliament following protests by some NGOs and objections from some development partners.

On June 20, after arresting him on 15 separate occasions during the year, police filed a sedition case against Kazi Faruque Ahmed, president of the NGO Proshika, and six of his colleagues, implicating them in a plot to overthrow the Government in April. Police raided the Proshika headquarters several times and seized some documents. On July 26, Ahmed was released on bail. The Government targeted Proshika because the group allegedly helped the AL campaign in the last general election (see Section 1.d.).

On August 21, a RAB team arrested Rafiq Al Islam, president of the country's chapter of Non-Violence International, under Section 54. His name was later included on the list of accused in a case filed under the Arms Act. Islam, an antimine campaigner, remained free on bail after September 19, and his case was pending (see Section 1.d.).

The Government cooperated with international organizations such as the UNHRC and the ICRC; however, the ICRC did not visit the country during the year. In December, the Asia Pacific director of the UNHCR visited the country to investigate the status of the Rohingyas. Despite its election pledge and repeated public announcements, the Government did not enact legislation establishing an independent National Human Rights Commission.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination; however, the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

##### Women

Domestic violence was widespread. Although violence against women was difficult to quantify because of unreliable statistics and societal inhibitions about reporting such violence, much of the reported violence against women was related to disputes over dowries. During the year, according to BNWLA, husbands killed 155 women and tortured 35 women. Odhikar found 166 reported dowry-related killings, and 78 reported dowry-related incidents of torture during the year. The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape as a crime. During the year, 896 rapes were reported; 117 victims were killed and 13 committed suicide after being raped. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. In September, four persons were sentenced to life imprisonment for gang-raping a girl in April 2003.

Prostitution was legal and remained a problem during the year. The minimum age of 18 for legal prostitution was commonly ignored by authorities and circumvented by false statements of age. Procurers of minors were rarely prosecuted, and large numbers of child prostitutes worked in brothels. UNICEF estimated that there were 10,000 child prostitutes working in the country, but other estimates placed the figure as high as 29,000 (see Section 5, Children).

Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In July 2003, an amendment to the current law was passed, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor.

According to government sources, the Social Welfare Department ran 6 homes for vagrants and 1 training center for destitute persons, with a total capacity of 2,300 individuals. In addition, the Women Affairs Department ran six shelters, one each in the six divisional headquarters, for abused women and children. In 2002, the Department opened a Safe Custody Center in Dhaka. The BNWLA also had two shelters in Dhaka, and other NGOs ran smaller facilities to provide shelter to destitute persons and distressed women and children; however, this was insufficient to meet victims' shelter needs. As a result, the Government often held women who filed rape complaints in safe custody, usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women were unable to gain release (see Section 1.c.). In September, there were 184 women in safe custody with 320 children accompanying them.

Incidents of vigilantism against women--sometimes led by religious leaders (by means of fatwas)--at times occurred, particularly in rural areas. These included punishments such as the whipping of women accused of moral offenses (see Section 1.c.). ASK reported 35 such cases during the year. For example, in October 26, in a village in Shatkira district, rural elites forced Papia Khatam from her village and ordered her not to return for 5 years because they concluded she gave birth to an illegitimate child found dead in a pond.

Acid attacks remained a serious problem. Assaults threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. According to Odhikar, more than 300 persons fell victim to acid attacks during the year. Odhikar and Bangladesh Shisu Adhikar Forum reported that 191 of the attacks were against women, 65 against men, and 66 against children. Few perpetrators of the acid attacks were prosecuted. In 2002, the Government enacted legislation to control the availability of acid and reduce acid violence directed towards women, but lack of awareness of the law and poor enforcement limited its impact. The new Acid Crime Control Law provides for speedier prosecutions in special tribunals and generally does not allow bail. While the special tribunals were not entirely effective, during the year, according to the Acid Survivors Foundation,

36 persons were convicted of acid attacks.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages. Marriages in rural areas sometimes were not registered because of ignorance of the law.

Employment opportunities were greater for women than for men in the last decade, largely due to the growth of the export garment industry, 80 percent staffed by women. Programs run by the Government and NGOs extending microcredit to rural women improved their economic power. Pay was generally comparable for men and women performing similar work.

No action was taken, and none was expected, in the deaths of 60 maidservants who died from alleged torture at the hands of their employers in 2003. According to a Public Administration Reforms Commission report in 2000, women held only 12 percent of government jobs, and only 2 percent of senior positions. The government policy to include more women in government jobs had only limited effect. In recent years, approximately 15 percent of all recruits into government service were women.

#### Children

The Government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than one-half of all children were chronically malnourished.

Under the law, children between 6 and 10 years of age must attend school through the fifth grade. Primary education was free and compulsory. The implementation of compulsory primary education fell short in part because parents kept children out of school, preferring instead to have them working for money or helping with household chores. Government incentives to families sending children to schools contributed significantly to the rise in the enrollments in primary schools in recent years. According to 2001 statistics provided by Campaign for Popular Education, 80 per cent of school-age children were enrolled in schools with almost an equal male-female ratio. In a 2002 report, they stated that 70 percent of the children completed education up to the fifth grade and that the dropout rate was 24.3 percent. According to Education Ministry statistics, 97 percent of school-age children were enrolled in primary schools during the year. The Government expanded incentives for female education by making education free for girls up to grade 12 and using a stipend system from grades 6 to 12. Boys received free education only to grade 5.

There were a few government hospitals designated exclusively for children, and boys and girls had equal access to medical care in government hospitals.

According to human rights groups, 341 children were abducted, nearly 1,401 suffered unnatural deaths, and more than 660 children fell victim to serious abuses such as rape, sexual harassment, torture, and acid attack during the year. According to child rights activists, during the year, violence against children declined to some extent due to growing awareness regarding child rights.

Child labor remained a problem and frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and prostitution (see Sections 6.c. and 6.d.). Sometimes children were seriously injured or killed in workplaces. Reports from human rights monitors indicated that child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. There was extensive trafficking of children (see Section 5, Trafficking).

According to a 2002 report published by the Government news agency Bangladesh Shongbad Shongsta, there were approximately 400,000 homeless children, of which as many as 150,000 had no knowledge of their parents. Few facilities existed for children whose parents were incarcerated.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking was a serious problem. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment, and the Government took measures for the expeditious prosecution of traffickers. During the year, 43 cases were disposed of by the Special Courts dealing with incidents of repression against women and children. Accused persons in 33 of those cases were convicted and given punishment ranging from death to 10 years in prison. Besides police, the Coast Guard, Bangladesh Rifles (border guards), and the RAB, a number of NGOs recovered victims and assisted victims of trafficking.

According to government sources, law enforcement personnel recovered 147 victims of trafficking during the year. In 17 different incidents during the year, victims managed to escape from traffickers and reported to police. The Government returned 85 of the victims to their families, sent 9 to government homes, and transferred 19 to NGO-run shelters.

There was extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country, mainly for prostitution and in some instances for labor servitude. Some boys

were trafficked to the Middle East to be used as camel jockeys.

The BNWLA rescued 314 trafficking victims from within the country and repatriated 32 others from the UAE and India during the year. The number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents. A 2002 newspaper report quoting statistics from the Center for Women and Children Studies (CWCS) stated that only 1 percent of trafficked children and 55 percent of kidnapped children were rescued between 2000 and 2002. According to the CWCS, most trafficked boys were under 10 years of age, while most trafficked girls were between 11 and 16 years of age.

The exact number of women and children trafficked was unknown, but some human rights monitors estimated that more than 20,000 women and children were trafficked annually from the country for prostitution; however, the Government did not support this figure. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside of the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also susceptible. Traffickers living abroad often arrived in a village to marry a woman, only to dispose of her upon arrival in the destination country, where women were sold by their new friends or husbands into bonded labor, menial jobs, or prostitution. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

Human rights monitors credibly reported in the preceding years that police and local government officials often ignored trafficking in women and children for prostitution and were easily bribed (see Sections 1.c. and 5).

In previous years, there were reports that police corruption facilitated trafficking of women and children; however, there were no reports of this occurring during the year.

Many NGOs and community-based organizations worked on the problem of trafficking through prevention, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, and rescue, rehabilitation, and legislative reform. For example, Action Against Trafficking and Sexual Exploitation of Children, a national anti-trafficking network, worked to link NGOs and government agencies by establishing a resource center to disseminate data and provide technical support to grassroots organizations. The Association for Community Development conducted workshops and outreach programs to reach potential victims of trafficking before they were victimized. Over the past 3 years, because of the cooperation among NGOs and others involved, including the Government, a common, unified umbrella program was established to address the trafficking problem.

The Government developed a set of policies and plans regarding the trafficking issue and initiated a program across a number of ministries to address the problem. Arrests and prosecutions increased significantly, and the Government launched a major national anti-trafficking prevention campaign to increase awareness of the problem among vulnerable groups. Nevertheless, the Government's capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run.

In late May, the Government established a unit in the police headquarters to monitor counter-trafficking activities by law enforcement agencies. The cell started functioning in June. An interministerial committee headed by the Secretary of the Home Ministry regularly monitored the activities of the police cell and prosecution of the cases relating to trafficking. In early July, a Deputy Attorney General was designated to coordinate prosecution of the cases. The Government also formed monitoring units in each of the 64 district headquarters.

Despite constraints such as lack of birth and marriage records at the village level, some trafficking cases were prosecuted. There was also some success in increasing shelter capacity and developing rehabilitation programs.

#### Persons with Disabilities

The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare set up a task force, composed of government officials and members of NGOs, who adopted an action plan at year's end to improve the overall welfare of the disabled.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. During the year, at least four visually impaired persons were hired for government jobs.

#### Indigenous People

Tribal people have had a marginal ability to influence decisions concerning the use of their lands. Despite the 1997 CHT Peace

Accord, which ended 25 years of insurgency in the CHT, law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency.

Shantu Larma, a former insurgent leader, held talks with the Prime Minister in December 2003, building upon several similar sessions in 2002, to discuss implementation of the Peace Accord; however, violence continued in the CHT. According to a human rights organization, 41 persons died and 199 were injured in violence in the CHT during the year. During the same period, 127 persons were abducted, 3 were missing, and 106 were arrested.

During the year, the Parbatiya Chattagram Jana Sanghati Samity (PCJSS), which had spearheaded the insurgency and later signed the Peace Accord, blocked roads and observed general strikes, demanding early implementation of all the provisions of the accord. Extortion and kidnapping for ransom were rampant in the CHT.

PCJSS and the anti-accord tribal group, United People's Democratic Forum (UPDF), blamed each other for most of the abductions in Khagrachhari and Rangamati. On February 9, armed tribal youths abducted seven UPDF members from a wedding party at Shabekong in Naniarchar. There were also reports of violence involving Bengalis and tribal people in Rangamati.

The army withdrew an estimated two dozen camps from the CHT in partial fulfillment of the PCJSS demand for withdrawal of all army camps as required in the Peace Accord. Police have replaced the army in some of the camps.

Tribal people in other areas also reported loss of land to Bengali Muslims. In 2001, the Forestry Department inaugurated an eco-park on the lands inhabited by the predominantly Christian Khasi tribals in Moulvibazar. Although indigenous Khasis had lived on these lands for generations, the Government did not recognize their ownership. The Government claimed ownership and stated that the Khasis were occupying the land illegally. The Government slowly implemented the project during the year. In 2003, the Government started implementing the Modhupur National Park Development Project on Garo ancestral land without consulting the Garo people.

#### Other Societal Abuses and Discrimination

The law provides for punishment for intercourse "against the order of nature with any man, woman or animal." In practice the law was rarely invoked; however, according to HRW, gay men were harassed and raped by police and local criminals without proper methods of recourse, due to societal discrimination against gays. HRW also found that gay men often faced threats of extortion. According to HRW, considerable official and societal discrimination existed against those who provided HIV prevention services, and against high-risk groups likely to spread HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the right to join unions and, with government approval, the right to form a union; however, the Government did not always respect this right in practice. The total work force was approximately 58 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked.

According to the law, a workplace must have 30 percent union participation for union registration. Would-be unionists technically are forbidden to engage in many activities prior to registration and legally are not protected from employer retaliation during this period. Labor activists protested that this requirement severely restricted workers' rights to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) requested the Government to amend the 30 percent provision. The ILO also requested that the Government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Unions were highly politicized, and unions were strongest in state-owned enterprises and in such institutions as the government-run port in Chittagong. Civil Service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions.

The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have taken place during the year. There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers arrested union members under the SPA or regular criminal codes.

Trade unionists were required to obtain government clearance to travel to ILO meetings, but unlike in previous years, there were

no known reports that clearances were denied during the year.

On May 7, union leader Ashan Ullah, executive president of the International Confederation of Free Trade Union (ICFTU) affiliated with the Jatiyo Sramik League, was shot and injured while addressing a rally in Tongi.

The ICFTU noted a number of exclusions of international trade union rights under the Industrial Relations Ordinance. These were restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, restrictions on the right to organize and bargain collectively in export processing zones (EPZs), and restrictions on the right to strike.

#### b. The Right to Organize and Bargain Collectively

The law does not explicitly ban discrimination by employers against union members and organizers and, in practice, private sector employers usually discouraged any union activity, sometimes working in collaboration with local police. The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness was hampered by a serious case backlog. Alternative dispute resolution techniques began to be used to decrease the backlog.

Collective bargaining by workers is legal on the condition unions legally registered by the Registrar of Trade Unions as collective bargaining agents represent workers. Collective bargaining occurred occasionally in large private enterprises such as pharmaceuticals, jute, or textiles, but due to concerns over job security, most workers did not practice collective bargaining. Collective bargaining in small private enterprises generally did not occur.

The right to strike is not recognized specifically by the law, but strikes were a common form of workers' protest and are recognized as a legitimate avenue for addressing unresolved grievances by the Industrial Relations Ordinance of 1969. In addition, opposition political parties used general strikes to pressure the Government to meet political demands. Some employees organized in professional associations or unregistered unions went on strike during the year. Wildcat strikes were illegal but occurred, and wildcat strikes in the transportation sector were particularly common.

There were no updates to the November 2003 incident at the Pantex Factory, or the October 2003 case involving police harassment and beating of striking diploma nurses (see Section 6.a.).

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector it declares essential. During the year, the Government continued to impose the Ordinance, originally applied in 2002, to the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, the Chittagong Port Authority, and the Bangladesh Petroleum Corporation.

In 2003, the Government announced it would not allow collective bargaining authority in jute mills during production time. In the past, the Government had applied this ban to national airline pilots, water supply workers, and shipping employees. The ban may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution are established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the Government may prohibit it and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years.

There are EPZs in the country. On July 14, Parliament passed a bill allowing limited freedom of association rights in EPZs. The country's five EPZs are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act, thereby excluding workers in the zones from protection for their rights to organize and bargain collectively, and from coverage by laws governing wages, hours, and safety and health standards. While substitutes for some of the provisions of these laws are implemented through EPZ regulations, unions for the 128,915 workers are prohibited in the EPZs.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or bonded labor, including by children; however, the Government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act created inspection mechanisms to enforce laws against forced labor, but these laws were not enforced rigorously, partly because resources for enforcement were scarce. There was no bonded or forced labor in large-scale enterprises; nevertheless, numerous domestic servants, including many children, worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. There continued to be numerous reports of violence against domestic workers. The Government sometimes brought criminal charges against employers who abused domestic servants. Many impoverished families settled instead for financial compensation. Trafficking of women and children was a problem (see Section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

Because of widespread poverty, many children began to work at a very young age. According to the Government's National Child Labor Survey published in November 2003, the Government estimated that approximately 3.2 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, such as shrimp farming, of which 49 were regarded as harmful to children's physical and mental well-being. Sometimes children were seriously injured or killed in workplaces. For example, on January 17, a child age 13 died when he became stuck to a conveyer belt while he worked in a spinning mill at Savar.

Children often worked alongside family members in small-scale and subsistence agriculture. Hours usually were long, the pay low, and the conditions hazardous. Many children worked in the beedi (hand-rolled cigarette) industry, and children under 18 years sometimes worked in hazardous circumstances in the leather industry or the brick-breaking industry. An estimated 10,000 children worked long hours on fish farms on small islands in Southwestern Bagerhat district for 5 months a year in hazardous conditions. The farm owners paid and fed the children poorly. The Coast Guard periodically rescued and returned child workers to their home villages.

Children routinely performed domestic work. The Government sometimes brought criminal charges against employers who abused domestic servants. Under the law, every child must attend school through grade 5 or the age of 10 years. However, there was no effective mechanism to enforce this provision.

There was virtually no enforcement of child labor laws outside the export garment sector. Penalties for child labor violations were nominal fines ranging from an estimated \$4 to \$10 (taka 228 to taka 570). Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA), the Department of Labor, and the ILO jointly inspected an estimated 4,000 BGMEA-member factories with the declared intention of eliminating child labor in the garment sector. The inspectors found 23 children working in 11 of those factories between January and August 25. Each factory having child labor was fined \$100 (taka 5,900). According to the ICFTU, there was a significant reduction of child labor in the garment industry; while 43 percent of exporting factories used child labor in 1995, by 2001 the figure had fallen 5 percent to 38 percent. Former child employees were also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

The Non-Formal Education Directorate of the Government, international organizations, and some NGO partners sponsored programs to provide education to some working children in urban slum areas around the country. The Government has been a member of ILO-IPEC since 1994. ILO-IPEC programs include a \$6 million project to eliminate the worst forms of child labor in five targeted industries: beedi production, matchmaking, tanneries, construction, and child domestic workers. As of December 2003, 19,874 children had been removed from hazardous work, 19,508 were attending non-formal education training, 7,623 had been admitted to formal schooling, and 3,060 were receiving pre-vocational training. Employers from 51 beedi and brick-breaking industries have declared their sites child labor free.

#### e. Acceptable Conditions of Work

There was no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure. For example, in the garment industry, many factories did not pay legal minimum wages, and it was common for workers of smaller factories to experience delays in receiving their pay or to receive trainee wages well past the maximum 3 months. In 2001, according to the ICFTU, 21.7 percent of textile workers in the country earned the minimum wage. Wages in the EPZs were generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker was approximately \$58 (taka 3,400) for a worker in an EPZ and approximately \$45 (taka 2,650) for a worker outside an EPZ. This was not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, was allowed. The law was enforced poorly.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. Workers may resort to legal action for enforcement of the law's provisions, but few cases actually were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due both to the low number of labor inspectors and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.